

BOARD OF PUBLIC WORKS & SAFETY
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Mayor Charles Henderson called the meeting to order at 6:00 p.m.

PRESENT; Board members Warren Beville, Mayor Henderson, Kevin Hoover;
Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis;
and Director of Engineering Paul Peoni.

Mr. Beville moved to approve the minutes of June 8th as presented. Second was by Mr. Hoover. Vote: Ayes.

Director of Operations Norm Gabehart distributed two claims for reimbursement relating to damage from sewer backups. One location is 456 Pleasant View Boulevard; the other is 1411 Easy Street. Staff review of the damages (detailed list of damages and claims are in attachments of this meeting) resulted in the negotiated amount for each family. Mr. Hoover moved to approve the claim to Todd & Linda Morgan in the amount of \$7,684 in return for an execution the release signed by Mr. & Mrs. Morgan. Second by Mr. Beville. Vote: Ayes. After review of the second claim, Mr. Beville moved to approve payment to Russell & Kristie Chistie at 1411 Easy Street in the sum of \$1,200 in return for execution of the release signed by Mr. & Mrs. Christie. Vote: Ayes.

Bruce Sklare of Bay Development Corporation represented Jean Allen Robertson, the owner of the proposed Spring Hill Subdivision, on the south side of County Line Road, east of Morgantown Road. He recounted that at the June 8th Board meeting he had sought official recognition of a Sanitary Sewer Easement and Agreement signed in 1997 between the City of Greenwood and Ms. Robertson. The Board had asked Mr. Sklare to return tonight after the Board had reviewed the document. Mr. Sklare told the Board that their negotiations with the City of Indianapolis have been very difficult. He requested that a letter be prepared affirming the above Agreement so that they can finalize their Sewer Service Agreement. Ms. Koons-Davis will generate the letter and attach a copy of the minutes. Mayor Henderson moved that the Board honor the 1997 Agreement. Second by Mr. Beville. Vote: Ayes.

Harold Sattison of Brandt Construction, Inc. came forward for Our Lady of the Greenwood Catholic Church to ask for acceptance of improvements, acceptance of maintenance bonds and release of a performance bond. Mr. Peoni indicated that all items being asked for acknowledgement or acceptance appear to have been satisfactorily installed. The Engineering Department has received acceptable paper as-builts. Mr. Peoni noted that a three-year maintenance guarantee must be submitted before the performance bond can be released. Mr. Hoover moved to:

- 1) Acknowledge that the private improvements of dirtwork and storm sewers have been installed in reasonable compliance with the approved design plans.
- 2) Accept the erosion control, sidewalks and street improvements in the public right-of-way.
- 3) Accept a three (3) year maintenance guarantee in the amount of \$2,510 for the erosion control, sidewalks, and street improvements in the public right-of-way at Our Lady of Greenwood Catholic Church, Building Addition.
- 4) Release performance bond #400SV6717 in the amount of \$41,660.80 from United States Fidelity and Guaranty Company for the installation of the dirtwork, storm sewers, erosion control, sidewalk and street improvements at Our Lady of Greenwood, Building Addition, based on:
 - a. Receipt of final mylar as-builts.
 - b. Receipt of, review and approval of a three (3) year maintenance guarantee by the Engineering and Law Departments.

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Second by Mr. Beville. Vote: Ayes.

Donna Smithers of Northpointe Surveying, for Carroll Subdivision, brought a request to waive requirements of installing a passing blister at this time. With her in the audience was Larry Carroll. This is a three-lot subdivision on Fry Road, just west to an existing park and near to Fire Station 2. Mr. Carroll wants to build on lot #1 and his son or daughter on lot #2, said Ms. Smithers. She explained that there is an existing drive which will be upgraded for the two future lots and that existing house will be on the north end of the drive, which would go to the main drive. They plan one exit onto Fry Road, she noted. Ms. Smithers presented letters from residents who would like to see the mature trees remain and have no objection to the waiver of a passing blister (in attachments of this meeting). This led to future plans for the widening of Fry Road. There will eventually be three lanes. After more discussion, Mr. Hoover moved to grant the waiver of the passing blister on the south side of Fry Road for the three lots discussed. Second by Mr. Beville. Vote: Ayes.

Code Enforcement Officer John Myers was next. He reported that the nuisance at 1416 Sanner Drive has been abated and described a problem that has existed since 2003. According to County records, Mooring Tax Asset Group, LLC owns the property but they have not responded to correspondence.

At 1417 Sanner Drive there was a complaint of high grass and weeds on 5/22. Mr. Myers made an inspection on 5/23. County records show the owner as Ocwen Loan Servicing, LLC. A certified letter requesting they appear at today's Board meeting was sent to Ocwen Loan Servicing, LLC and to Stephanie Stewart on 6/08. Return receipts from Ocwen were received. On 6/20 Mr. Myers took a picture of the backyard. The grass had been mowed (roughly), he said, possibly by neighbors. The fence was torn down, broken glass and other debris were scattered around. A representative from Safeguard Properties subcontractor (Safeguard winterizes the property) on 6/21 advised that the violation would be abated this Friday. Mr. Beville moved to find that a nuisance exists at 1417 Sanner Drive, direct the City Attorney to issue a 7-Day Letter of Abatement, and failing that, to take all steps she deems necessary and appropriate to abate the nuisance and expenses be charged back against the owner. Second by Mr. Hoover. Vote: Ayes.

A third violation was at 995 Arroyo Road – of high grass. The complaint was received on 6/05. On 7/29/05 a legal ad listed the property for sheriff's sale. On 6/07/06 Mr. Myers spoke with contact person Susan Woolley advised that her client is Huntington National Bank and she would advise them of the nuisance. She asked that the certified letter be sent to her attention. This was done 6/08, requesting that she appear at today's Board meeting. Ms. Woolley did speak with Huntington National Bank; however the violation still exists. Mr. Hoover noted that an unlicensed vehicle is in the picture shown by Code Enforcement. The backyard still needs to be mowed, and there is an in-ground swimming pool. Mr. Hoover moved to find that a nuisance exists at 995 Arroyo Road because of high grass, weeds, and an unlicensed vehicle on the premises, that the City Attorney issue a 10-Day Letter of Abatement, and failing that she take all steps she deems appropriate to remedy the situation and collect any costs back against the property owner at her discretion. Second by Mr. Beville. Vote: Ayes.

From the audience, Doug Wagner of Precedent Development came forward regarding Homecoming at University Park. As at the last meeting, he discussed two properties that extend deeper than the neighboring lots, actually into the Franklin College Property. Mr. Wagner recounted that it seemed to make sense to purchase the back end of those two residential properties. The two owners expressed interest in having sanitary sewer service. As part of the purchase

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agreement, Precedent obligated themselves to stub a sanitary sewer, when they brought the sanitary sewer service into the adjacent area. It is his understanding that the next step would be a Single-Parcel Sewer Service Agreement for each parcel, waiving the annexation requirement at this time, but including a non-remonstrance clause. Discussion on the handout followed. Lots 5 and 6 of the Lancaster Subdivision are the lots in question that Mr. Benefield and Mr. Entrekin own. Mr. Wagner stressed that there are other homes along Griffith Road that are not annexed and they are not trying to create a donut hole, with these two properties are not annexed and everything around them is annexed. It makes sense, said Mr. Wagner, to wait until the neighboring property is annexed, to annex these two parcels. He asked for the authorization of the Sewer Service Agreements, waiving annexation at this time, and including non-remonstrance language. There was more discussion about the future annexation of Lancaster Subdivision and what in the area is now in the City. Mayor Henderson moved to direct the City Attorney to draft the Single-Parcel Sewer Service Agreements as discussed with non-remonstrance language included and authorize the Mayor to sign on the Board's behalf. Second by Mr. Hoover. Vote: Ayes.

Sanitation Superintendent Keith Meier discussed the Eastside Interceptor, Phase IIA. Atlas is the sub-contractor. Payment applications 26 and 28 were the final payments. There is a request to release the retainage, amounting to \$177,080. At his recommendation, Mr. Hoover moved to close out the contract and return the retainage to Atlas. Second by Mr. Beville. Vote: Ayes.

For the Eastside Interceptor, Phase B – the lift station – Mr. Meier requested that the contract with Bowen Engineering be closed out. Mr. Hoover moved that the contract with Bowen Engineering be closed out and the retainage of \$35,000 be released. Second by Mr. Beville. Vote: Ayes.

The City Attorney noted that her Status of Tasks was reporting only but brought a request from a Board member that a law suit be discussed in executive session. Mr. Hoover moved that the City Attorney work with St. Paul to designate them as additional excess carrier for the Pepper law suit and take all appropriate steps to accomplish this. Second by Mr. Beville. Vote: Ayes.

Ms. Koons-Davis reminded the Board that we have the opportunity to get a sidewalk easement on Main Street, if we are willing to add supplemental language to a utility easement signed by Bill Walker's father in 1974. Mayor Henderson mentioned the gap in the sidewalk in front of the Walker property. In 1974 Mr. Walker's father signed an agreement with Bob Yeager (Johnson Suburban Utilities) for an easement for a line coming across their property. Mr. Walker asks that the document state that if the City gets into the easement, we will restore the easement to the condition in which we found it. Mr. Walker said that a letter would suffice, noted the Mayor, who said that Mr. Walker is aware that he cannot build on the easement. Mr. Walker would consider extending the sidewalk on the north side of Main Street. Counsel indicated that this supplement to the easement would probably need to be recorded. Mr. Hoover moved that the City Attorney draft the appropriate document for the Mayor's signature to confirm the Board's position that the City would repair the easement as we found it if we are required to access the easement. Second by Mr. Beville. Vote: Ayes.

On his Status of Tasks, Mr. Peoni presented an Inspection & Testing Agreement for Scott's Lawn Service, who is building in Precedent South Business Center, Section 1. Mr. Beville moved to accept the Inspection & Testing Agreement for all improvements except sanitary sewer and ratify acceptance of the 50% fee. Second by Mr. Hoover. Vote: Ayes.

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For Sexson Commercial Building, in Precedent South Business Center, Section 4, Mr. Peoni brought the same type of request. Mr. Beville moved to accept the Inspection & Testing Agreement for all improvements except sanitary sewer for Sexson Commercial Building and ratify acceptance of the 50% fee. Second by Mr. Hoover. Vote: Ayes.

Mr. Beville moved to approve the claims be approved as presented through June 22nd. Second by Mr. Hoover. Vote: Ayes.

Mayor Henderson reminded the Board that this weekend is the Freedom Festival with many activities around the City.

Mr. Peoni and Ms. Koons-Davis will not be at the Board meeting on July 6th.

With no further business, the meeting adjourned at 7:05 p.m.

Charles E. Henderson, Mayor

Jeannine Myers, Clerk-Treasurer